

**REMARKS**

Examiner Thanh Ha Dang (571-272-4033) contacted Applicant's attorney, Wesley Ashton, via telephone on September 4, 2008 to discuss the above-captioned application. Examiner Dang informed Applicant's attorney that the case was in condition for allowance except for minor issues regarding the claims. An Examiner's amendment was discussed.

The Examiner also discussed References "C" and "D" of the Information Disclosure Statement (IDS) filed September 26, 2005. The Examiner has not yet considered these documents on the grounds that Applicant did not provide the United States Patent and Trademark Office (USPTO) with a legible copy of these documents and/or information pertaining to why the documents were listed (See Office Action, mailed March 12, 2008, at 2, lines 4-9). Applicant's attorney asserted that the Examiner's allegations are erroneous because a four-page legible copy of document "C" is available via the USPTO's PAIRS database (See Exhibit A, of record). Applicant attaches herewith, for the Examiner's convenience, another copy of document "C," labeled as "Exhibit E."

The relevance of document "C" is believed to be evident from document "D," which is a copy of the International Search Report corresponding to International Application No. PCT/JP03/13558. Document "D" included an English translation of the International Search Report. The Examiner informed Applicant's attorney that document "D" is not signed by an Examiner so it, and document "D," have not been considered. Document "D," the International Search Report, characterizes document "C" as a "document defining the general state of the art which is not considered to be of particular relevance." Applicant has provided a copy of document "C" to the USPTO because he obtained it from the International Bureau. Document "C" is written in a non-English language, and an English translation of Document "C" is not readily available. While Applicant respectfully requests that documents "C" and "D" be considered by the Examiner because they were properly filed in this case on

September 26, 2005, Applicant believes that no further action is required on his part if the Examiner chooses not to consider these documents. Considering that Applicant has made extensive comments regarding document "C" in Amendment (C), filed July 8, 2008, at 11, line 21, to 12, line 11, Applicant contends that the Examiner should consider document "C," of record, and reflect this fact for the record.

The below-signed attorney for Applicant welcomes any questions.

Respectfully submitted,

*GRiffin & Szipl, P.C.*

  
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